



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Labor and Industries

- ☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Rule Making

(1) Date of adoption: April 20, 2004

(2) Purpose: Chapter 296-802 WAC, Access to Records; Chapter 296-37 WAC, Safety Standards for Diving Operations; Chapter 296-62 WAC, General Occupational Health Standards; Chapter 296-155 WAC, Safety Standards for Construction Workers; Chapter 296-305 WAC, Safety Standards for Fire Fighters; Chapter 296-800 WAC, Safety and Health Core Rules
The department rewrote the requirements relating to access to records for clarity and ease of use. This proposal will move access to records requirements from chapter 296-62 WAC, General Occupational Health Standards, to a new chapter, chapter 296-802 WAC, Access to Records.

(3) Citation of existing rules affected by this order:

Repealed: See attachment (3)
Amended: See attachment (3)
Suspended: None

(4) Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-23-101 on November 18, 2003.

Describe any changes other than editing from proposed to adopted version: See Attachment 5.1

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

☐ Yes ☒ No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- ☐ 31 days after filing
☐ Other (specify) 8/1/2004

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- ☐ Immediately
☐ Later (specify) _____

CODE REVISER USE ONLY

Name (Type or Print)

Paul Trause

Signature

Title

Director

Date

April 27, 2004

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>17</u>	Amended	<u>25</u>	Repealed	<u>12</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>17</u>	Amended	<u>25</u>	Repealed	<u>12</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>17</u>	Amended	<u>25</u>	Repealed	<u>12</u>

(5.1) Describe any changes other than editing from proposed to adopted version:

As a result of written and oral comments received, the following sections are being changed as indicated below:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

Chapter 296-802 WAC, Access to Records

WAC 296-802-20010, Keep employee exposure records.

- Added a note to the section to clarify that exposure to substances that were purchased and used as consumer products was exempt from this section.
- Revised wording to give options of how the record of the identity of toxic substances could be kept.

WAC 296-802-4005, Provide access to employee medical records, exposure records, and analyses.

- Added a bullet to the note to clarify that designated representatives must have written authorization from employees.

WAC 296-802-40010, Provide employee medical records.

- Rewrote note to clarify information.

WAC 296-802-40015, Provide employee exposure records.

- Added bullet for clarification.

WAC 296-802-60005, Transfer or dispose of employee medical and exposure records when you go out of business.

- Corrected errors in information in the table.

WAC 296-802-900, Definitions

- Corrected definition of Trade Secrets.

(3) Citation of existing rules affected by this order:**AMENDED SECTIONS:**

WAC 296-37-575	Recordkeeping Requirements
WAC 296-62-07314	Medical Surveillance
WAC 296-62-07329	Vinyl Chloride
WAC 296-62-07336	Acrylonitrile
WAC 296-62-07342	1, 2-Dibromo 3, Chloropropane
WAC 296-62-07375	Recordkeeping
WAC 296-62-07427	Recordkeeping
WAC 296-62-07460	Butadiene
WAC 296-62-07470	Methylene Chloride
WAC 296-62-07521	Lead
WAC 296-62-07540	Formaldehyde
WAC 296-62-07631	Recordkeeping
WAC 296-62-07727	Recordkeeping
WAC 296-62-09041	Recordkeeping
WAC 296-62-14533	Cotton Dust
WAC 296-62-20023	Recordkeeping
WAC 296-62-40019	Recordkeeping
WAC 296-155-17331	Recordkeeping
WAC 296-155-174	Cadmium
WAC 296-305-02501	Emergency Medical Protection
WAC 296-800-17005	Develop, Implement, Maintain and Make Available a Written Chemical Hazard Communication Program

WAC 296-800-180

REPEALED SECTIONS:

WAC 296-62-052	Material Safety Data Sheets as Exposure Records
WAC 296-62-05201	Access to employee exposure and medical records
WAC 296-62-05203	Purpose
WAC 296-62-05205	Scope and application
WAC 296-62-05207	Definitions
WAC 296-62-05209	Preservation of records
WAC 296-62-05213	Access to records
WAC 296-62-05215	Employee information
WAC 296-62-05217	Transfer of records
WAC 296-62-05219	Appendices
WAC 296-62-05221	Effective date
WAC 296-62-05223	Appendix A -- Sample authorization letter for the release of employee medical record information to a designated representative
	Appendix B -- Availability of NIOSH Registry of Toxic Effects of Chemical Substances (RTECS)

